

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

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IN RE: PRADAXA (DABIGATRAN  
ETEXILATE) PRODUCTS LIABILITY  
LITIGATION

Case No. 14-50130-DRH-SCW

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LEIGH ANN WIRAM, as personal  
Representative of the Estate of Brenda  
Smart, et als.,

Plaintiffs,

v.

BOEHRINGER INGEHLHEIM  
PHARMACEUTICALS, INC., et al.

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**PLAINTIFFS' MOTION FOR EXTENSION OF DEADLINES TO SERVE AND FILE  
PRESERVATION NOTICES AND DISCOVERY**

Plaintiffs Leigh Ann Wiram, Personal Representative for the Estate of Brenda Smart, et als., by and through their undersigned attorney, Kenneth G. Gilman, and respectfully move this Honorable Court pursuant to the Case Management Order in Case No. 3:12-MD-02385-DRH-SCW (hereafter "CMO") 79, ¶ 1 (Doc. 540) to extend the deadlines for Plaintiffs' to (1) send and certify Preservation Notices, as required in CMO 78, Sec. I (Doc. 519), and (2) produce Discovery as required in CMO 78, Sec. II. In support of this motion, Plaintiffs state the following:

As an initial matter, CMO 79, ¶ 1 permits the filing of "motions related to CMO 78 (Implementation Order)." It was Plaintiffs initial intent to participate in the settlement of this matter, but logistical issues relating to the untimely death of Brenda Smart, the probate of her estate,

and the inability of Ms. Smart's four adult children to reach agreement on a uniform course of action, resulted in Plaintiffs being unable to formally opt-in to the settlement prior to the July 9, 2014 deadline. Additionally, they were unable to comply with the deadlines set forth in CMO 78, which set forth certain preservation obligations as well as information production requirements. On October 14, 2014, Plaintiffs sent by registered mail (with return receipt) the Preservation Notice attached hereto as Exhibit A. As evidenced in Exhibit A, they also served a certification of these mailings as required in CMO 78, Sec. I.C.3. via email to Robert Limbacher at rlimbacher@gdldlaw.com.

Additionally, Plaintiffs and counsel have in good faith and diligently worked through the problems including those resulting from Brenda Smart's death as the result of Pradaxa ingestion. Leigh Ann Wiram, by virtue of her appointment as Personal Representative of her mother Brenda Smart's estate, will expeditiously provide medical record authorizations necessary to obtain Brenda Smart's medical records and produce them as is required by CMO 78, Sec. II.A.

The plain terms of CMO 78 afford Plaintiffs a 14-day cure period for any deficiency of which Defendants' counsel notifies them with regard to Preservation Notices. It further affords them a 20-day cure period for any deficiency of which Defendants' counsel notifies them with regard to Requirements. To date, Defendants' counsel have not informed Plaintiffs of any failure to comply with the provisions of CMO 78. Therefore, no prejudice will result if this motion is granted. Despite the right to cure any deficiencies, Plaintiffs respectfully file this motion in an abundance of caution in order to bring themselves in compliance with the provisions of CMO 78.

For the foregoing reasons, Plaintiffs respectfully request that this Honorable Court extend the applicable deadlines and Order as follows:

1. Although Plaintiffs have been diligent and have, as set forth above, sent via registered mail (with return receipt) the Preservation Notices required by CMO 78, Sec. I., the deadline for doing so is nevertheless extended to October 17, 2014;
2. Although Plaintiffs have been diligent and have, as set forth above, served a certification of the mailings of the Preservation Notices, the deadline for doing so is nevertheless extended to October 17, 2014;
3. The deadline for Plaintiffs to produce their Plaintiff Fact Sheet (“PFS”) and authorizations, as required by CMO 78, Sec. II.A., is extended to October 31, 2014;
4. The deadline for Plaintiffs to produce (a) all pharmacy records regarding dispensation of medication to Brenda Smart for the period five years prior to the date of the alleged injury to the present; (b) all medical records relating to Ms. Smart from all healthcare providers listed in the PFS for the period five years prior to the date of the alleged injury to the present; and (c) the affidavit required by CMO 78, Sec. II.A.4., is extended to November 14, 2014; and
5. The deadline for Plaintiffs to produce expert reports as required by CMO 78, Sec. II.D. is extended to November 28, 2014.

WHEREFORE, Plaintiffs respectfully request that the deadlines for serving and filing of the above-listed notices and discovery responses be extended to new deadlines set forth above.

Dated: October 16, 2014

Respectfully submitted,

/s/ Kenneth G. Gilman  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 16, 2014 the foregoing was filed electronically via the CM/ECF system, which will automatically send e-mail notification to all attorneys of record.

/s/ Kenneth G. Gilman  
Kenneth G. Gilman